

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 293

H. P. 849

House of Representatives, January 31, 1935.

Referred to Committee on Legal Affairs, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Hill of South Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

AN ACT Relating to the Charter of the City of South Portland.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. P. & S. L., 1933, c. 55, Art. 4, § 8, amended. Section 8 of article 4 of chapter 55 of the private and special laws of 1933, as amended, is hereby further amended to read as follows:

‘Sec. 8. Procedure. The city council shall keep a record of its proceedings and shall determine its own rule of procedure and make lawful regulations for enforcing the same. The meetings of the council shall be open to the public. The city council shall only act by ordinance, order or resolve. All ordinances, orders and resolves, except orders or resolves making appropriations of money shall be confined to one subject which shall be clearly expressed in the title.

The appropriation order or resolve shall be confined to the subject of appropriations only. No ordinance and no appropriation order or resolve shall be passed on until it has been read on 2 separate days, with an elapse of at least 3 days between readings. The yeas and nays shall be taken on the passage of any order or resolve when called for by any member of the city council. Every ordinance shall require on final passage the affirmative vote of a majority of the voting members of the city council. Every ordinance before final passage shall be posted, marked “Proposed Ordinance”,

at the city hall and shall take effect and be in full force 30 days from and after it shall have received final passage by the city council and have been approved by corporation counsel. Within 10 days after the approval by such counsel said ordinance shall be published in full at discretion of city council in 1 or more of the newspapers published in South Portland or Portland.

No order or resolve shall take effect until 10 days after its passage except that the city council may by vote of 4/5 of its members pass emergency orders or resolves to take effect at the time indicated therein but such emergency orders or resolves shall contain a section in which the emergency is set forth and defined.

Sec. 2. P. & S. L., 1933, c. 55, Art. 7, § 1, amended. Section 1 of article 7 of chapter 55 of the private and special laws of 1933, as amended, is hereby further amended to read as follows:

‘Sec. 1. Date of elections and procedure to determine results. The regular municipal elections under the provisions of this charter will be held annually on the 1st Monday of December. At these annual elections the qualified voters of the city shall ballot within their regular districts and at their respective polling places for member or members of the city council and member or members of the board of education and the candidates for these offices shall be duly qualified under the nomination regulations contained herein; the said annual municipal election being held for the purpose of replacing, by a city-wide vote the member or members of the city council and the member or members of the board of education from each district whose term or terms automatically expire for the current municipal year within which that election is held, and to fill the unexpired term of any councilman or member of the board of education whose office is then vacant but whose term of office would not then have normally expired. In addition the qualified voters of the 7 polling places or wards of the 5 districts shall ballot for the following offices for each polling place or ward: 1 warden, 1 ward clerk, 1 constable, ~~and the terms of office of these ward officers shall be 1 year each. Also if there are any vacancies existing in any elective municipal offices at the time of the regular municipal election, the qualified voters of the city shall ballot to fill such vacancies.~~

As provided in section 2 of article 4, at the first municipal election to be held under the provisions of this charter December 4, 1933 the qualified voters of the various districts and polling places shall vote for 5 members of the city council, 5 members of the board of education, 7 wardens, 7 ward

clerks and 7 constables, all of whom shall have been nominated under the provisions of this charter. Those candidates for ward offices receiving the plurality of votes cast within their respective wards shall be designated as the office holders duly elected for their respective offices.

All votes cast for the several officers shall be counted, sorted, declared and registered in open meeting as required by law. The ward clerk shall forthwith deliver to each person elected warden or ward clerk a certificate of his election and shall forthwith deliver to the city clerk a certified copy of the record of such election.

After such elections the then municipal officers shall examine not longer than 24 hours after such elections the records of the several polling places, certified as aforesaid and shall determine the successful candidates according to the laws of the state of Maine and shall cause the person or persons who shall have been elected councilman, or councilmen, member or members of the board of education, wardens, ward clerks and constables to be notified in writing of their elections. If it appears that no person has been elected to fill these various offices in any district to the office of councilman or to the office of a member of the board of education or if any person refuse to accept any of the above offices to which he has been elected then warrants shall be issued forthwith for another election to fill the vacancy.

Sec. 3. P. & S. L., 1933, c. 55, Art. 7, § 2, amended. Section 2 of article 7 of chapter 55 of the private and special laws of 1933, is hereby amended to read as follows:

‘Sec. 2. Warden and ward clerk; eligibility, tenure, qualifications, powers and duties, vacancies. The warden and ward clerk chosen as provided in the foregoing section shall be residents of the ward and of the polling district, as identified by the old ward lines existing before the 1932 revision for which they are elected and until others have been chosen and qualified in their stead they shall enter upon their duties on the first Monday following their election and hold their offices 1 year therefrom and until others are chosen and qualified in their places. The warden and ward clerk shall be sworn to the faithful performance of their duties by a person qualified under the statutes of the state to administer oaths, and a certificate of such oath shall be entered by the clerk on the record of said ward. The warden shall preside at all meetings of his polling district with the powers of moderators of town meetings and if at any meeting the warden shall not be present the clerk of the polling district shall call the meeting to order and preside until a warden pro tempore shall be chosen. The warden shall have all the rights and powers now held by the warden

of such ward. If neither the warden nor ward clerk is present any legal voter in the ward may preside until a clerk pro tempore shall be chosen and qualified.

Immediately following the election of a clerk pro tempore a warden pro tempore shall be chosen. The clerk shall record all the proceedings and certify the votes given and deliver to his successor in office all such records and journals in his possession or under his control, together with all documents and papers held by him in his capacity as clerk. The ward clerk shall have and perform all rights and duties now held and performed by the ward clerk of such ward so far as consistent with this charter. All polling district meetings (ward meetings) shall be notified and called by the city council in the manner provided by the laws of this state for notifying and calling town meetings by the selectmen of the several towns.

~~As aforementioned the geographical limits of each of the 7 polling places or wards shall correspond to the ward lines then in existence before the 1932 ward line revision and check lists shall be revised to correspond to such ward lines then existing.'~~

Sec. 4. P. & S. L., 1933, c. 55, Art. 7, § 8, amended. Section 8 of article 7 of chapter 55 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 8. Form of ballot. Ballots for use in elections under this charter shall contain the names of the various candidates, with their residence and the office for which they are a candidate, and shall be furnished with 1 column for crosses at the right of the candidate's name and residence. Such ballots shall be without party mark or designation and shall be in form as prescribed by ~~board of registration and~~ the city clerk.'

Sec. 5. P. & S. L., 1933, c. 55, Art. 7, § 10, amended. Section 10 of article 7 of chapter 55 of the private and special laws of 1933 is hereby amended to read as follows:

'Sec. 10. Count of ballots. As soon as the polls are closed, the warden shall immediately open the ballot boxes, take therefrom the ballots and with the assistance of the ward clerk and the ballot clerks sort and count ~~and~~ them and the warden shall declare them in open meeting in the presence of the ward clerk; and the ward clerk shall form a list of the persons voted for with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward

meeting enter the total number thereof on a tally sheet provided by the city clerk. The ward clerk shall enter the number of votes for each candidate opposite the name of such candidate on said tally sheet, and make return thereof to the city clerk on a blank by said city clerk to be provided. Only 1 vote shall be counted for any candidate on any 1 ballot.'

Sec. 6. P. & S. L., 1933, c. 55, Art. 7, § 11, repealed. Section 11 of article 7 of chapter 55 of the private and special laws of 1933 is hereby repealed.